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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,862	07/03/2003	Rud Istvan	005123.00026	4342
22908	7590	10/13/2004	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606				PRASAD, CHANDRIKA
		ART UNIT		PAPER NUMBER
		2839		

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,862	ISTVAN, RUD	
	Examiner	Art Unit	
	Chandrika Prasad	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 10-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. The reply filed 9/14/04 consists of amendment to claim 1, cancellation of claim 9, changes in the title and remarks related to rejection of claims. The claims are not allowable as explained below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons (3995644).

Parsons (Figures 1-4) shows a connector 48 having an electrically conductive lead connecting portion 58, 60 for connecting to a conductive rivet (male portion or post) 22 and extension portion extending from the lead connecting portion and having a tab connection portion extending from the extension portion which can be connected to a tab of a tab electrode. Figures 5-8 show the lead connecting portion received a female receptacle of a conductive rivet 80. The lead connecting portion 58, 60 make a semicircular loop. The tab is configured to connect to a tab on a sensor which can be used to measure different biological functions of a patient.

4. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Archer (4671591).

Archer (Figures 1-7) shows a connector 30 having an electrically conductive lead connecting portion 46, 48 for connecting to a conductive rivet (male portion or post) 66 and extension portion extending from the lead connecting portion and having a tab connection portion with retaining arms forming a loop 44 which is configured to connect to a tab of a tab electrode.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4671591).

Archer shows all the features of this claim as described in Paragraph 4 above except the retaining arm defining a helical loop. The instant invention does not provide any specific reason or problem to be solved by this feature. Such a feature is well known in the art of electrical connector. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Archer's connector because this would provide a more flexibility to the retaining arm.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (3995644).

Parsons shows all the features of these claims as described in Paragraph 3 above except the tab connection portion being an alligator clip. The instant invention

does not provide any specific reason or problem to be solved by this feature. Such a feature is common knowledge and well known in the art of electrical connector. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Parsons' connector because such a feature is well known and readily available.

Response to Arguments

8. Applicant's arguments filed 9/14/04 have been fully considered but they are not persuasive. The arguments are not supported by claim language. The independent claim 1 does not require or suggest connecting a conventional tab electrode to a physiological system. Furthermore, Parsons' connector is used to pass electrical signals from an external source to internal portions of a patient, which can be used to monitor/detect physiological parameters of a patient.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad
Primary examiner
October 8, 2004